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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,939	12/03/2003	Srinivas Rao	020190	5387
23696	7590	10/17/2005		
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			EXAMINER LE, DIEU MINH T	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,939	Applicant(s) RAO ET AL.	
	Examiner Dieu-Minh Le	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 17 is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/29/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2114

1. This Office Action is response to the communication filed on 08/29/2005 in application 10/726,939.

2. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Art Unit: 2114

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 12-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elteto et al. (US Pub. No. 2004/0098596 A1 hereafter referred to as Elteto).

As per claim 12:

Elteto substantially teaches the invention. Elteto teaches:

- A system comprising:
- a source of software (i.e., software drivers) [abstract, col. 1, par. 0006];
- a universal serial bus (USB) port connected to the source of software [fig. 2, col. 4, par. 0049].
- means for resetting all registers in the processor except for registers associated with the USB transceiver when a reset condition is satisfied [col. 3, par. 0034-0035].

Elteto does not explicitly teach:

Art Unit: 2114

- a wireless communication device supporting the USB port, the wireless communication device including at least one processor and at least one USB transceiver interconnecting the processor and the USB port.

However, Elteto does disclose capability of:

- A method and apparatus for communicating information among processor, server, memory, etc... [fig. 2, col. 2, par. 0026-0029] comprising:

- application program loaded from remote communication devices via USB port [col. 2, par. 0026].

- data receiving/transmitting via transmission and reception of electromagnetic waves via USB port [col. 3, par. 0031].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention was made to realize Elteto's application program loaded from remote communication devices via USB port along with data receiving/transmitting via transmission and reception of electromagnetic waves via USB port as being the a wireless communication device supporting the USB port, the wireless communication device including at least one processor and at

Art Unit: 2114

least one USB transceiver interconnecting the processor and the USB port as claimed by Applicant. This is because Elteto explicitly deals with client/servers data transmission via LAN, WAN, Internet, and remotely capabilities in supporting the data security communication between client-server, more specifically, in the supporting the data or application programs down loading or transmission. It is further obvious because by transmitting data or application program via the electromagnetic waves or RF signaling, computer processing system can enhance its data throughput to and from communication device including wireless devices through USB port.

This would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client-server or wireless remotely system having a USB register setting capability with a mechanism to enhance the data security of network access and data transmission.

As per claim 13:

Elteto further teaches:

- means for maintaining the USB transceiver in an "on" state during execution of the means for resetting [col. 3, par. 0031];

Art Unit: 2114

As per claim 14:

Elteto further teaches:

- at least one RAM communicating with the processor; and means for resetting values in the RAM except for USB-associated values, during the execution of means for resetting all registers [col. 2, par. 0021 and col. 4, par. 0049-0052].

As per claim 15:

Elteto further teaches:

- at least one memory communicating with the processor; and means for maintaining the memory in a normal mode, during the execution of means for resetting all registers [col. 3, par. 0034-0035];

As per claim 16:

Elteto further teaches:

- a USB clock source associated with the device, and means for maintaining the USB clock source [col. 2, par. 0021].

Allowable Subject Matter

6. Claims 1-11 and 17 are allowable over the prior art of record.

**The following is an Examiner's Statement of Reasons
for Allowance:**

Claims 1-11 and 17 are allowable.

Claims 1-11 and 17 are allowable over the prior art of record because the prior arts of records do not teach nor suggest a system/method for downloading software to a device, having the limitations of claims 1, 7 and 17 when viewed as a whole with the remaining limitation of the claims, in particular: downloading the software from the source to the device and resetting the device by undertaking at least one of: resetting registers in a processor of the device except for USB-associated registers; maintaining a USB transceiver associated with the device in an "on" state; resetting values in a RAM associated with the device except for USB-associated values; and setting a flash memory associated with the device in a data mode.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh

Art Unit: 2114

Le whose telephone number is (571) 272-3660. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The Tech Center 2100 phone number is (571) 272-2100. The Central FAX number is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2114

DML

10/12/05